

HOUSE FILE _____
BY WILLEMS

A BILL FOR

1 An Act transferring certain duties of the board of educational
2 examiners to the department of education, making an
3 appropriation, providing for properly related matters, and
4 including effective date provisions.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

DRAFT

1 Section 1. NEW SECTION. **256.100 Definitions.**

2 As used in this subchapter, unless the context otherwise
3 requires:

4 1. *"Administrator"* means a person who is licensed to
5 coordinate, supervise, or direct an educational program or the
6 activities of other practitioners.

7 2. *"Board"* means the board of educational examiners.

8 3. *"Certificate"* means limited recognition to perform
9 instruction and instruction-related duties in school, other
10 than those duties for which practitioners are licensed. A
11 certificate is nonexclusive recognition and does not confer the
12 exclusive authority of a license.

13 4. *"Department"* means the department of education.

14 5. *"License"* means the authority that is given to allow
15 a person to legally serve as a practitioner, a school, an
16 institution, or a course of study to legally offer professional
17 development programs, other than those programs offered by
18 practitioner preparation schools, institutions, courses of
19 study, or area education agencies. A license is the exclusive
20 authority to perform the specified functions.

21 6. *"Para-educator"* means a person who is certified to assist
22 a teacher in the performance of instructional tasks to support
23 and assist classroom instruction and related school activities.

24 7. *"Practitioner"* means an administrator, teacher, or other
25 licensed professional, including an individual who holds a
26 statement of professional recognition, who provides educational
27 assistance to students.

28 8. *"Practitioner preparation program"* means a program
29 approved by the state board of education which prepares a
30 person to obtain a license as a practitioner.

31 9. *"Principal"* means a licensed member of a school's
32 instructional staff who serves as an instructional leader,
33 coordinates the process and substance of educational and
34 instructional programs, coordinates the budget of the school,
35 provides formative evaluation for all practitioners and other

1 persons in the school, recommends or has effective authority
2 to appoint, assign, promote, or transfer personnel in a school
3 building, implements the local school board's policy in a
4 manner consistent with professional practice and ethics, and
5 assists in the development and supervision of a school's
6 student activities program.

7 10. "*Professional development program*" means a course or
8 program which is offered by a person or agency for the purpose
9 of providing continuing education for the renewal or upgrading
10 of a practitioner's license.

11 11. "*School*" means a school under section 280.2, an area
12 education agency, and a school operated by a state agency for
13 special purposes.

14 12. "*School service personnel*" means those persons holding
15 a practitioner's license who provide support services for a
16 student enrolled in school or to practitioners employed in a
17 school.

18 13. "*Student*" means a person who is enrolled in a course of
19 study at a school or practitioner preparation program, or who
20 is receiving direct or indirect assistance from a practitioner.

21 14. "*Superintendent*" means an administrator who promotes,
22 demotes, transfers, assigns, or evaluates practitioners or
23 other personnel, and carries out the policies of a governing
24 board in a manner consistent with professional practice and
25 ethics.

26 15. "*Teacher*" means a licensed member of a school's
27 instructional staff who diagnoses, prescribes, evaluates,
28 and directs student learning in a manner which is consistent
29 with professional practice and school objectives, shares
30 responsibility for the development of an instructional program
31 and any coordinating activities, evaluates or assesses student
32 progress before and after instruction, and who uses the student
33 evaluation or assessment information to promote additional
34 student learning.

35 Sec. 2. NEW SECTION. 256.101 Licensing and related duties.

1 The department shall exercise the exclusive authority to:

2 1. License practitioners, which includes the authority
3 to establish criteria for the licenses; establish
4 issuance and renewal requirements; create application and
5 renewal forms; create licenses that authorize different
6 instructional functions or specialties; and develop any other
7 classifications, distinctions, and procedures which may be
8 necessary to exercise licensing duties.

9 2. Establish, collect, and refund fees for a license.

10 3. Enter into reciprocity agreements with other equivalent
11 state entities or a national certification board to provide for
12 licensing of applicants from other states or nations.

13 4. Apply for and receive federal or other funds on behalf
14 of the state for purposes related to its duties under this
15 subchapter.

16 5. Evaluate and conduct studies of department standards
17 under this subchapter.

18 6. Hire a licensing director, licensing administrator
19 for the board, and other personnel and control the personnel
20 administration of persons employed by the department pursuant
21 to this subchapter and by the board pursuant to chapter 272.

22 7. Hear appeals regarding application for or renewal of a
23 license. Department action is final agency action for purposes
24 of chapter 17A.

25 8. Establish standards for the determination of whether an
26 applicant is qualified to perform the duties required for a
27 given license.

28 9. Issue statements of professional recognition to
29 school service personnel who have attained a minimum of
30 a baccalaureate degree and who are licensed by another
31 professional licensing board, including but not limited to
32 athletic trainers licensed under chapter 152D.

33 10. Make recommendations to the state board of education
34 concerning standards for the approval of professional
35 development programs.

1 11. Establish, under chapter 17A, rules necessary to carry
2 out department duties under this subchapter.

3 12. Adopt rules to provide for nontraditional preparation
4 options for licensing persons who hold a bachelor's degree from
5 an accredited college or university, who do not meet other
6 requirements for licensure.

7 13. Adopt rules, in cooperation with the board, to determine
8 whether an applicant is qualified to perform the duties for
9 which a license is sought. The rules shall include all of the
10 following:

11 a. The department may deny a license to a person upon the
12 department's finding by a preponderance of evidence that either
13 the person has been convicted of a crime or that there has been
14 a founded report of child abuse against the person. Rules
15 adopted in accordance with this paragraph shall provide that
16 in determining whether a person should be denied a license,
17 the department shall consider the nature and seriousness of
18 the founded abuse or crime in relation to the position sought,
19 the time elapsed since the crime was committed, the degree of
20 rehabilitation which has taken place since the incidence of
21 founded abuse or the commission of the crime, the likelihood
22 that the person will commit the same abuse or crime again,
23 and the number of founded abuses committed by or criminal
24 convictions of the person involved.

25 b. Notwithstanding paragraph "a", the rules shall require
26 the department to disqualify an applicant for a license for any
27 of the following reasons:

28 (1) The person entered a plea of guilty to, or has been
29 found guilty of, any of the following offenses, whether or not
30 a sentence is imposed:

31 (a) Any of the following forcible felonies included in
32 section 702.11: child endangerment, assault, murder, sexual
33 abuse, or kidnapping.

34 (b) Any of the following sexual abuse offenses, as provided
35 in chapter 709, involving a child:

- 1 (i) First, second, or third degree sexual abuse committed on
- 2 or with a person who is under the age of eighteen years.
- 3 (ii) Lascivious acts with a child.
- 4 (iii) Assault with intent to commit sexual abuse.
- 5 (iv) Indecent contact with a child.
- 6 (v) Sexual exploitation by a counselor.
- 7 (vi) Lascivious conduct with a minor.
- 8 (vii) Sexual exploitation by a school employee.
- 9 (c) Enticing a minor under section 710.10.
- 10 (d) Human trafficking under section 710A.2.
- 11 (e) Incest involving a child under section 726.2.
- 12 (f) Dissemination and exhibition of obscene material to
- 13 minors under section 728.2.
- 14 (g) Telephone dissemination of obscene material to minors
- 15 under section 728.15.
- 16 (h) Any offense specified in the laws of another
- 17 jurisdiction, or any offense that may be prosecuted in federal,
- 18 military, or foreign court, that is comparable to an offense
- 19 listed in this subparagraph (1).
- 20 (i) Any offense under prior laws of this state or another
- 21 jurisdiction, or any offense under prior law that was
- 22 prosecuted in a federal, military, or foreign court, that is
- 23 comparable to an offense listed in this subparagraph (1).
- 24 (2) The applicant is less than twenty-one years of age
- 25 except as provided in section 256.114, subsection 1, paragraph
- 26 "e". However, a student enrolled in a practitioner preparation
- 27 program who meets department requirements for a temporary,
- 28 limited-purpose license who is seeking to teach as part of a
- 29 practicum or internship may be less than twenty-one years of
- 30 age.
- 31 (3) The applicant's application is fraudulent.
- 32 (4) The applicant's license or certification from another
- 33 state is suspended or revoked.
- 34 (5) The applicant fails to meet department standards for
- 35 application for an initial or renewed license.

1 *c.* Qualifications or criteria for the granting of a license
2 or the determination of an individual's professional standing
3 shall not include membership or nonmembership in any teachers'
4 organization.

5 *d.* An applicant for a license or certificate under this
6 subchapter shall demonstrate that the requirements of the
7 license or certificate have been met and the burden of proof
8 shall be on the applicant.

9 14. Adopt criteria for administrative endorsements that
10 allow a person to achieve the endorsement authorizing the
11 person to serve as an elementary or secondary principal without
12 regard to the grade level at which the person accrued teaching
13 experience.

14 15. Adopt rules to require that a background investigation
15 be conducted by the division of criminal investigation of the
16 department of public safety on all initial applicants for
17 licensure. The department shall also require all initial
18 applicants to submit a completed fingerprint packet and shall
19 use the packet to facilitate a national criminal history
20 background check. The department shall have access to, and
21 shall review the sex offender registry information under
22 section 692A.121 available to the general public, the central
23 registry for child abuse information established under chapter
24 235A, and the dependent adult abuse records maintained under
25 chapter 235B for information regarding applicants for license
26 renewal.

27 16. May adopt rules for practitioners who are not eligible
28 for a statement of professional recognition under subsection 9,
29 but have received a baccalaureate degree and provide a service
30 to students at any or all levels from prekindergarten through
31 grade twelve for a school district, accredited nonpublic
32 school, area education agency, or preschool program established
33 pursuant to chapter 256C.

34 17. Coordinate with the board to facilitate the ability
35 of the department and the board to carry out their respective

1 duties.

2 Sec. 3. NEW SECTION. 256.102 **Validity of license.**

3 1. A license issued under department authority is valid
4 for the period of time for which it is issued, unless the
5 license is suspended or revoked. A license issued by the
6 department is valid until the last day of the practitioner's
7 birth month in the year in which the license expires. No
8 permanent licenses shall be issued. A person employed as a
9 practitioner shall hold a valid license with an endorsement
10 for the type of service for which the person is employed.
11 This section does not limit the duties or powers of a school
12 board to select or discharge practitioners or to terminate
13 practitioners' contracts. A professional development program,
14 except for a program offered by a practitioner preparation
15 institution or area education agency and approved by the state
16 board of education, must possess a valid license for the types
17 of programs offered.

18 2. The licensing director of the department may grant
19 or deny license applications and applications for renewal of
20 a license. A denial of an application for a license or the
21 denial of an application for renewal may be appealed by the
22 practitioner to the department.

23 3. The department may issue emergency renewal or temporary,
24 limited-purpose licenses upon petition by a current or
25 former practitioner. An emergency renewal or a temporary,
26 limited-purpose license may be issued for a period not
27 to exceed two years if a petitioner demonstrates, to the
28 satisfaction of the department, good cause for failure to
29 comply with department requirements for a regular license
30 and provides evidence that the petitioner will comply with
31 department requirements within the period of the emergency
32 or temporary license. Under exceptional circumstances, an
33 emergency license may be renewed by the department for one
34 additional year. A previously unlicensed person is not
35 eligible for an emergency or temporary license, except that a

1 student who is enrolled in a licensed practitioner preparation
2 program may be issued a temporary, limited-purpose license,
3 without payment of a fee, as part of a practicum or internship
4 program.

5 Sec. 4. NEW SECTION. **256.103 License to applicants from**
6 **other states or countries.**

7 1. The department may issue a license to an applicant from
8 another state or country if the applicant files evidence of
9 the possession of the required or equivalent requirements with
10 the department. If the applicant is the spouse of a military
11 person who is on duty or in active state duty as defined in
12 section 29A.1, subsections 9 and 11, the department shall
13 assign a consultant to be the single point of contact for the
14 applicant regarding nontraditional licensure.

15 2. The licensing director of the department may, subject
16 to department approval, enter into reciprocity agreements with
17 another state or country for the licensing of practitioners on
18 an equitable basis of mutual exchange, when the action is in
19 conformity with law.

20 3. Practitioner preparation and professional development
21 programs offered in this state by out-of-state institutions
22 must be approved by the department in order to recommend
23 candidates for licensure or renewal of a license by an
24 applicant.

25 Sec. 5. NEW SECTION. **256.104 Continuity of certificates**
26 **and licenses.**

27 1. A certificate which was issued by the board of
28 educational examiners to a practitioner before July 1,
29 1989, continues to be in force as long as the certificate
30 complies with the rules and statutes in effect on July
31 1, 1989. Requirements for the renewal of licenses, under
32 this subchapter, do not apply retroactively to renewal of
33 certificates. However, this section does not limit the
34 duties or powers of a school board to select or discharge
35 practitioners or to terminate practitioners' contracts.

1 2. A practitioner who holds a certificate issued before
2 July 1, 1989, shall, upon application and payment of a fee,
3 be granted a license which will permit the practitioner to
4 perform the same duties and functions as the practitioner was
5 entitled to perform with the certificate held at the time of
6 application. A practitioner shall be permitted to convert a
7 permanent certificate to a term certificate, after July 1,
8 1989, without payment of a fee.

9 Sec. 6. NEW SECTION. **256.105 Administrator licenses.**

10 1. Requirements for administrator licensure beyond an
11 initial license shall include completion of a beginning
12 administrator mentoring and induction program and demonstration
13 of competence on the administrator standards adopted pursuant
14 to section 284A.3.

15 2. The department shall adopt rules for administrator
16 licensure renewal that include credit for individual
17 administrator professional development plans developed in
18 accordance with section 284A.6.

19 3. An administrator formerly employed by an accredited
20 nonpublic school or formerly employed as an administrator in
21 another state or country is exempt from the mentoring and
22 induction requirement under subsection 1 if the administrator
23 can document two years of successful administrator experience
24 and meet or exceed the requirements contained in rules adopted
25 pursuant to this subchapter for endorsement and licensure.
26 However, if an administrator cannot document two years of
27 successful administrator experience when hired by a school
28 district, the administrator shall meet the requirements of
29 subsection 1.

30 Sec. 7. NEW SECTION. **256.106 Fees.**

31 1. It is the intent of the general assembly that licensing
32 fees established by the department be sufficient to finance
33 the activities of the department under this subchapter and the
34 board under chapter 272.

35 2. Licensing fees are payable to the treasurer of state

1 and shall be deposited with the licensing director. The
2 licensing director shall deposit twenty-five percent of the
3 fees collected annually with the treasurer of state and the
4 fees shall be credited to the general fund of the state. The
5 remaining licensing fees collected during the fiscal year shall
6 be retained by and are appropriated to the department for the
7 purposes of carrying out the duties of the department under
8 this subchapter and the duties of the board under chapter 272.
9 The department shall establish procedures for transmission
10 to the department of an annual budget request by the board
11 for the subsequent fiscal year. Notwithstanding section
12 8.33, licensing fees retained by and appropriated to the
13 department pursuant to this section that remain unencumbered
14 or unobligated at the close of the fiscal year shall not
15 revert but shall remain available for expenditure for the
16 activities of the department as provided in this subchapter and
17 of the board as provided in chapter 272 until the close of the
18 succeeding fiscal year.

19 3. The licensing director shall keep an accurate and
20 detailed account of fees received, including fees paid to the
21 treasurer of state and fees retained by the department.

22 4. The department shall submit a detailed annual financial
23 report regarding the fees collected pursuant to this subchapter
24 by January 1 to the chairpersons and ranking members of
25 the joint appropriations subcommittee on education and the
26 legislative services agency.

27 **Sec. 8. NEW SECTION. 256.107 Expenditures and refunds.**

28 Expenditures and refunds made by the department under this
29 subchapter shall be certified by the licensing director of the
30 department to the director of the department of administrative
31 services, and if found correct, the director of the department
32 of administrative services shall approve the expenditures and
33 refunds and draw warrants upon the treasurer of state from the
34 funds appropriated for that purpose.

35 **Sec. 9. NEW SECTION. 256.108 Para-educator certificates.**

1 The department shall adopt rules pursuant to chapter
2 17A relating to a voluntary certification system for
3 para-educators. The rules shall specify rights,
4 responsibilities, levels, and qualifications for the
5 certificate. Applicants shall be disqualified for any
6 reason specified in section 256.101, subsection 13, or
7 in administrative rule. Notwithstanding section 256.101,
8 subsection 13, paragraph "b", subparagraph (2), the department
9 may issue a para-educator certificate to a person who is at
10 least eighteen years of age. A person holding a para-educator
11 certificate shall not perform the duties of a licensed
12 practitioner. A certificate issued pursuant to this subchapter
13 shall not be considered a teacher or administrator license for
14 any purpose specified by law, including the purposes specified
15 under this subchapter or chapter 279.

16 Sec. 10. NEW SECTION. **256.109 National certification.**

17 The department shall review the standards for teacher's
18 certificates adopted by the national board for professional
19 teaching standards, a nonprofit corporation created as a
20 result of recommendations of the task force on teaching as a
21 profession of the Carnegie forum on education and the economy.
22 In those cases in which the standards required by the national
23 board for an Iowa endorsement or license meet or exceed the
24 requirements contained in rules adopted under this subchapter
25 for that endorsement or license, the department shall issue
26 endorsements or licenses to holders of certificates issued by
27 the national board who request the endorsement or license.

28 Sec. 11. NEW SECTION. **256.110 Rules for practitioner
29 preparation programs.**

30 The state board of education shall adopt rules pursuant
31 to chapter 17A to implement the following for approved
32 practitioner preparation programs:

33 1. A requirement that each student admitted to an approved
34 practitioner preparation program must participate in field
35 experiences that include both observation and participation in

1 teaching activities in a variety of school settings. These
2 field experiences shall comprise a total of at least eighty
3 hours in duration, at least ten hours of which shall occur
4 prior to a student's acceptance in an approved practitioner
5 preparation program. The student teaching experience shall be
6 a minimum of fourteen weeks in duration during the student's
7 final year of the practitioner preparation program.

8 2. A requirement that faculty members in professional
9 education maintain an ongoing involvement in activities in
10 elementary, middle, or secondary schools. The activities shall
11 include at least sixty hours of instructional work during a
12 period not exceeding seven years in duration at the elementary,
13 middle, or secondary level.

14 3. A requirement that the program include instruction
15 in skills and strategies to be used in classroom management
16 of individuals, and of small and large groups, under varying
17 conditions; skills for communicating and working constructively
18 with pupils, teachers, administrators, and parents; and
19 skills for understanding the role of the board of education
20 and the functions of other education agencies in the state.
21 The requirement shall be based upon recommendations of the
22 department after consultation with teacher education faculty
23 members in colleges and universities.

24 4. A requirement that prescribes minimum experiences and
25 responsibilities to be accomplished during the student teaching
26 experience by the student teacher and by the cooperating
27 teacher based upon recommendations of the department after
28 consultation with teacher education faculty members in
29 colleges and universities. The student teaching experience
30 shall include opportunities for the student teacher to become
31 knowledgeable about the Iowa teaching standards, including a
32 mock evaluation. The mock evaluation shall not be used as
33 an assessment tool by the practitioner preparation program.
34 The student teaching experience shall consist of interactive
35 experiences involving the college or university personnel, the

1 student teacher, the cooperating teacher, and administrative
2 personnel from the cooperating teacher's school district.

3 5. A requirement that each approved practitioner
4 preparation or professional development institution annually
5 offer a workshop for cooperating teachers. The workshop shall
6 define the objectives of the student teaching experience,
7 review the responsibilities of the cooperating teacher,
8 and provide the cooperating teacher other information and
9 assistance the institution deems necessary.

10 6. A requirement that practitioner preparation students
11 receive instruction in the use of electronic technology for
12 classroom and instructional purposes.

13 7. A requirement that approved practitioner preparation
14 institutions annually solicit the views of the education
15 community regarding the institution's practitioner preparation
16 programs.

17 8. A requirement that an approved practitioner preparation
18 institution submit evidence that the college or department of
19 education is communicating with other colleges or departments
20 in the institution so that practitioner preparation students
21 may integrate teaching methodology with subject matter areas
22 of specialization.

23 9. A requirement that an approved practitioner preparation
24 program submit evidence that the evaluation of the performance
25 of a student teacher is a cooperative process that involves
26 both the faculty member supervising the student teacher and
27 the cooperating teacher. The rules shall require that each
28 institution develop a written evaluation procedure for use
29 by the cooperating teacher and a form for evaluating student
30 teachers, and require that a copy of the completed form be
31 included in the student teacher's permanent record.

32 Sec. 12. NEW SECTION. 256.111 Student teaching and other
33 educational experiences.

34 If the rules adopted by the department for issuance of any
35 type or class of license require an applicant to complete

1 work in student teaching, prestudent teaching experiences,
2 field experiences, practicums, clinicals, or internships, an
3 institution with a practitioner preparation program approved by
4 the state board of education under section 256.7, subsection 3,
5 shall enter into a written contract with any school district,
6 accredited nonpublic school, preschool registered or licensed
7 by the department of human services, or area education agency
8 in Iowa under terms and conditions as agreed upon by the
9 contracting parties. The terms and conditions of a written
10 contract entered into with a preschool pursuant to this section
11 shall provide that a student teacher be under the direct
12 supervision of an appropriately licensed cooperating teacher
13 who is employed to teach at the preschool. Students actually
14 teaching or engaged in preservice licensure activities in a
15 school district under the terms of such a contract are entitled
16 to the same protection, under section 670.8, as is afforded by
17 that section to officers and employees of the school district,
18 during the time they are so assigned.

19 Sec. 13. NEW SECTION. 256.112 **Mentoring and induction**
20 **requirement.**

21 1. Requirements for teacher licensure beyond an initial
22 license shall include successful completion of a beginning
23 teacher mentoring and induction program approved by the state
24 board of education.

25 2. A teacher from an accredited nonpublic school or another
26 state or country is exempt from the requirement of subsection 1
27 if the teacher can document three years of successful teaching
28 experience and meet or exceed the requirements contained
29 in rules adopted under this subchapter for endorsement and
30 licensure.

31 Sec. 14. NEW SECTION. 256.113 **Annual administrative rules**
32 **review.**

33 The licensing director shall annually review the
34 administrative rules adopted pursuant to this subchapter and
35 related state laws. The licensing director shall submit the

1 licensing director's findings and recommendations in a report
2 every three years to the department and the chairpersons and
3 ranking members of the senate and house standing committees
4 on education and the joint appropriations subcommittee on
5 education by January 15.

6 Sec. 15. NEW SECTION. 256.114 Authorizations — coaching
7 — school business officials.

8 1. The minimum requirements for the department to award a
9 coaching authorization to an applicant are:

10 a. Successful completion of one semester credit hour
11 or ten contact hours in a course relating to knowledge and
12 understanding of the structure and function of the human body
13 in relation to physical activity.

14 b. Successful completion of one semester credit hour
15 or ten contact hours in a course relating to knowledge and
16 understanding of human growth and development of children and
17 youth in relation to physical activity.

18 c. Successful completion of two semester credit hours or
19 twenty contact hours in a course relating to knowledge and
20 understanding of the prevention and care of athletic injuries
21 and medical and safety problems relating to physical activity.

22 d. Successful completion of one semester credit hour or ten
23 contact hours relating to knowledge and understanding of the
24 techniques and theory of coaching interscholastic athletics.

25 e. Attainment of at least eighteen years of age.

26 2. a. The department shall issue a school business official
27 authorization to an individual who successfully completes a
28 training program that meets the standards set by the state
29 board of education pursuant to section 256.7, subsection 30,
30 and who complies with rules adopted by the department pursuant
31 to subsection 3.

32 b. A person hired on or after July 1, 2012, as a school
33 business official responsible for the financial operations of
34 a school district who is without prior experience as a school
35 business official in Iowa shall either hold the school business

1 official authorization issued pursuant to paragraph "a" of this
2 subsection or obtain the authorization within two years of the
3 start date of employment as a school business official.

4 c. An individual employed as a school business official
5 prior to July 1, 2012, who meets the requirements of the
6 department, other than the training program requirements of
7 paragraph "a", shall be issued, with no fee for issuance, an
8 initial authorization by the department, but shall meet renewal
9 requirements for an authorization within the time period
10 specified by the department.

11 3. The department shall adopt rules under chapter 17A
12 for authorizations, including but not limited to approval of
13 courses, validity and expiration, fees, and suspension and
14 revocation of authorizations.

15 4. The state board of education shall work with institutions
16 of higher education, private colleges and universities,
17 community colleges, area education agencies, and professional
18 organizations to ensure that the courses and programs required
19 for authorization under this section are offered throughout the
20 state at convenient times and at a reasonable cost.

21 Sec. 16. Section 261E.3, subsection 2, paragraph a,
22 subparagraph (6), Code Supplement 2011, is amended to read as
23 follows:

24 (6) If the instruction for any program authorized by this
25 chapter is provided at a school district facility or a neutral
26 site, the teacher or instructor shall have successfully passed
27 a background investigation conducted in accordance with section
28 ~~272.2, subsection 17~~ 256.101, subsection 14, prior to providing
29 such instruction. For purposes of this section, "neutral
30 site" means a facility that is not owned or operated by an
31 institution.

32 Sec. 17. Section 272.2, Code Supplement 2011, is amended to
33 read as follows:

34 **272.2 Board of examiners created.**

35 The board of educational examiners is created to exercise

1 the exclusive authority to:

2 1. ~~a. License practitioners, which includes the~~
3 ~~authority to establish criteria for the licenses; establish~~
4 ~~issuance and renewal requirements; create application and~~
5 ~~renewal forms; create licenses that authorize different~~
6 ~~instructional functions or specialties; develop~~ Develop a code
7 of professional rights and responsibilities, practices, and
8 ethics, which shall, among other things, address the failure of
9 a practitioner to fulfill contractual obligations under section
10 279.13; and ~~develop any other classifications, distinctions,~~
11 ~~and procedures which may be necessary to exercise licensing~~
12 ~~duties.~~ In addressing the failure of a practitioner to fulfill
13 contractual obligations, the board shall consider factors
14 beyond the practitioner's control.

15 b. Provide annually to any person who holds a license,
16 certificate, authorization, or statement of recognition issued
17 by the ~~board~~ department, training relating to the knowledge and
18 understanding of the board's code of professional conduct and
19 ethics. The board shall develop a curriculum that addresses
20 the code of professional conduct and ethics and shall annually
21 provide regional training opportunities throughout the state.

22 ~~2. Establish, collect, and refund fees for a license.~~

23 ~~3. Enter into reciprocity agreements with other equivalent~~
24 ~~state boards or a national certification board to provide for~~
25 ~~licensing of applicants from other states or nations.~~

26 ~~4.~~ 2. Enforce rules adopted by the board or the department
27 through revocation or suspension of a license, or by other
28 disciplinary action against a practitioner or professional
29 development program licensed by the ~~board of educational~~
30 ~~examiners~~ department. The board shall designate who may or
31 shall initiate a licensee disciplinary investigation and a
32 licensee disciplinary proceeding, and who shall prosecute a
33 disciplinary proceeding and under what conditions, and shall
34 state the procedures for review by the board of findings of
35 fact if a majority of the board does not hear the disciplinary

1 proceeding. However, in a case alleging failure of a
2 practitioner to fulfill contractual obligations, the person
3 who files a complaint with the board, or the complainant's
4 designee, shall represent the complainant in a disciplinary
5 hearing conducted in accordance with this chapter.

6 ~~5. Apply for and receive federal or other funds on behalf of~~
7 ~~the state for purposes related to its duties.~~

8 ~~6. Evaluate and conduct studies of board standards.~~

9 ~~7. Hire an executive director, legal counsel, and other~~
10 ~~personnel and control the personnel administration of persons~~
11 ~~employed by the board.~~

12 ~~8.~~ 3. Hear appeals regarding application, renewal,
13 suspension, or revocation of a license. Board action is final
14 agency action for purposes of chapter 17A.

15 ~~9. Establish standards for the determination of whether an~~
16 ~~applicant is qualified to perform the duties required for a~~
17 ~~given license.~~

18 ~~10. Issue statements of professional recognition to~~
19 ~~school service personnel who have attained a minimum of~~
20 ~~a baccalaureate degree and who are licensed by another~~
21 ~~professional licensing board, including but not limited to~~
22 ~~athletic trainers licensed under chapter 152D.~~

23 ~~11. Make recommendations to the state board of education~~
24 ~~concerning standards for the approval of professional~~
25 ~~development programs.~~

26 ~~12.~~ 4. Establish, under chapter 17A, rules necessary to
27 carry out board duties, and establish a budget request.

28 ~~13. Adopt rules to provide for nontraditional preparation~~
29 ~~options for licensing persons who hold a bachelor's degree from~~
30 ~~an accredited college or university, who do not meet other~~
31 ~~requirements for licensure.~~

32 ~~14.~~ 5. Adopt rules, in cooperation with the department, to
33 determine whether an applicant a person is qualified to perform
34 the duties for which the person holds a license ~~is sought~~. The
35 rules shall include all of the following:

1 a. The board may ~~deny a license to or~~ revoke the license
2 of a person upon the board's finding by a preponderance of
3 evidence that either the person has been convicted of a crime
4 or that there has been a founded report of child abuse against
5 the person. Rules adopted in accordance with this paragraph
6 shall provide that in determining whether ~~a person should be~~
7 ~~denied a license or that~~ a practitioner's license should be
8 revoked, the board shall consider the nature and seriousness of
9 the founded abuse or crime in relation to the position sought,
10 the time elapsed since the crime was committed, the degree of
11 rehabilitation which has taken place since the incidence of
12 founded abuse or the commission of the crime, the likelihood
13 that the person will commit the same abuse or crime again,
14 and the number of founded abuses committed by or criminal
15 convictions of the person involved.

16 b. Notwithstanding paragraph "a", the rules shall require
17 the board ~~to disqualify an applicant for a license or to revoke~~
18 the license of a person for any of the following reasons:

19 (1) The person entered a plea of guilty to, or has been
20 found guilty of, any of the following offenses, whether or not
21 a sentence is imposed:

22 (a) Any of the following forcible felonies included in
23 section 702.11: child endangerment, assault, murder, sexual
24 abuse, or kidnapping.

25 (b) Any of the following sexual abuse offenses, as provided
26 in chapter 709, involving a child:

27 (i) First, second, or third degree sexual abuse committed on
28 or with a person who is under the age of eighteen years.

29 (ii) Lascivious acts with a child.

30 (iii) Assault with intent to commit sexual abuse.

31 (iv) Indecent contact with a child.

32 (v) Sexual exploitation by a counselor.

33 (vi) Lascivious conduct with a minor.

34 (vii) Sexual exploitation by a school employee.

35 (c) Enticing a minor under section 710.10.

- 1 (d) Human trafficking under section 710A.2.
- 2 (e) Incest involving a child under section 726.2.
- 3 (f) Dissemination and exhibition of obscene material to
4 minors under section 728.2.
- 5 (g) Telephone dissemination of obscene material to minors
6 under section 728.15.
- 7 (h) Any offense specified in the laws of another
8 jurisdiction, or any offense that may be prosecuted in federal,
9 military, or foreign court, that is comparable to an offense
10 listed in this subparagraph (1).
- 11 (i) Any offense under prior laws of this state or another
12 jurisdiction, or any offense under prior law that was
13 prosecuted in a federal, military, or foreign court, that is
14 comparable to an offense listed in this subparagraph (1).
- 15 ~~(2) The applicant is less than twenty-one years of age~~
16 ~~except as provided in section 272.31, subsection 1, paragraph~~
17 ~~"e". However, a student enrolled in a practitioner preparation~~
18 ~~program who meets board requirements for a temporary,~~
19 ~~limited-purpose license who is seeking to teach as part of a~~
20 ~~practicum or internship may be less than twenty-one years of~~
21 ~~age.~~
- 22 ~~(3)~~ (2) The applicant's person's application to the
23 department is found to be fraudulent.
- 24 ~~(4)~~ (3) The applicant's person's license or certification
25 from another state is suspended or revoked.
- 26 ~~(5) The applicant fails to meet board standards for~~
27 ~~application for an initial or renewed license.~~
- 28 c. Qualifications or criteria for the ~~granting or~~
29 ~~revocation of a license or the determination of an individual's~~
30 ~~professional standing~~ shall not include membership or
31 nonmembership in any teachers' organization.
- 32 ~~d. An applicant for a license or certificate under this~~
33 ~~chapter shall demonstrate that the requirements of the license~~
34 ~~or certificate have been met and the burden of proof shall be~~
35 ~~on the applicant.~~

1 ~~15.~~ 6. Adopt rules that require specificity in written
2 complaints that are filed by individuals who have personal
3 knowledge of an alleged violation and which are accepted by
4 the board, provide that the jurisdictional requirements as set
5 by the board in administrative rule are met on the face of the
6 complaint before initiating an investigation of allegations,
7 provide that any investigation be limited to the allegations
8 contained on the face of the complaint, provide for an adequate
9 interval between the receipt of a complaint and public notice
10 of the complaint, permit parties to a complaint to mutually
11 agree to a resolution of the complaint filed with the board,
12 allow the respondent the right to review any investigative
13 report upon a finding of probable cause for further action by
14 the board, require that the conduct providing the basis for
15 the complaint occurred within three years of discovery of the
16 event by the complainant unless good cause can be shown for
17 an extension of this limitation, and require complaints to be
18 resolved within one hundred eighty days unless good cause can
19 be shown for an extension of this limitation.

20 ~~16.~~ ~~Adopt criteria for administrative endorsements that~~
21 ~~allow a person to achieve the endorsement authorizing the~~
22 ~~person to serve as an elementary or secondary principal without~~
23 ~~regard to the grade level at which the person accrued teaching~~
24 ~~experience.~~

25 ~~17.~~ ~~Adopt rules to require that a background investigation~~
26 ~~be conducted by the division of criminal investigation of the~~
27 ~~department of public safety on all initial applicants for~~
28 ~~licensure. The board shall also require all initial applicants~~
29 ~~to submit a completed fingerprint packet and shall use the~~
30 ~~packet to facilitate a national criminal history background~~
31 ~~check. The board shall have access to, and shall review~~
32 ~~the sex offender registry information under section 692A.121~~
33 ~~available to the general public, the central registry for child~~
34 ~~abuse information established under chapter 235A, and the~~
35 ~~dependent adult abuse records maintained under chapter 235B for~~

1 ~~information regarding applicants for license renewal.~~

2 ~~18. May adopt rules for practitioners who are not eligible~~
3 ~~for a statement of professional recognition under subsection~~
4 ~~10, but have received a baccalaureate degree and provide a~~
5 ~~service to students at any or all levels from prekindergarten~~
6 ~~through grade twelve for a school district, accredited~~
7 ~~nonpublic school, area education agency, or preschool program~~
8 ~~established pursuant to chapter 256C.~~

9 7. Coordinate with the department to facilitate the ability
10 of the board and the department to carry out their respective
11 duties.

12 Sec. 18. Section 272.3, Code 2011, is amended to read as
13 follows:

14 **272.3 Membership.**

15 1. The board of educational examiners consists of ~~twelve~~
16 fourteen members. Two must be members of the general public,
17 one must be the director of the department of education or the
18 director's designee, and the remaining ~~nine~~ eleven members
19 must be licensed practitioners. One of the public members
20 shall have served on a school board. The public members shall
21 never have held a practitioner's license, but shall have a
22 demonstrated interest in education. One practitioner shall be
23 selected from a teacher preparation program. One practitioner
24 shall be selected from an administrator preparation program.
25 The other nine practitioners shall be selected from the
26 following areas and specialties of the teaching profession:

- 27 a. Elementary teachers.
28 b. Secondary teachers.
29 c. Special education or other similar teachers.
30 d. Counselors or other special purpose practitioners.
31 e. Administrators.
32 f. School service personnel.

33 2. A majority of the licensed practitioner members shall
34 be nonadministrative practitioners. Four of the members shall
35 be administrators. Membership of the board shall comply with

1 the requirements of sections 69.16 and 69.16A. A quorum of the
2 board shall consist of ~~six~~ seven members. Members shall elect
3 a chairperson of the board. Members, except for the director
4 of the department of education or the director's designee,
5 shall be appointed by the governor subject to confirmation by
6 the senate.

7 Sec. 19. Section 272.5, Code 2011, is amended to read as
8 follows:

9 **272.5 Compensation of board, ~~executive director.~~**

10 Members shall be reimbursed for actual and necessary
11 expenses incurred while engaged in their official duties
12 and may be entitled to per diem compensation as authorized
13 under section 7E.6. For duties performed during an ordinary
14 school day by a member who is employed by a school corporation
15 or state university, the member shall also receive regular
16 compensation from the school or university. However, the
17 member shall reimburse the school or university in the amount
18 of the per diem compensation received.

19 ~~The board of educational examiners shall set the salary of~~
20 ~~the executive director within the range established for the~~
21 ~~position by the general assembly.~~

22 Sec. 20. Section 272.7, Code 2011, is amended to read as
23 follows:

24 **272.7 Validity Suspension or revocation of license.**

25 ~~A license issued under board authority is valid for the~~
26 ~~period of time for which it is issued, unless the license is~~
27 ~~suspended or revoked. A license issued by the board is valid~~
28 ~~until the last day of the practitioner's birth month in the~~
29 ~~year in which the license expires. No permanent licenses shall~~
30 ~~be issued. A person employed as a practitioner shall hold a~~
31 ~~valid license with an endorsement for the type of service for~~
32 ~~which the person is employed. This section does not limit~~
33 ~~the duties or powers of a school board to select or discharge~~
34 ~~practitioners or to terminate practitioners' contracts. A~~
35 ~~professional development program, except for a program offered~~

1 ~~by a practitioner preparation institution or area education~~
2 ~~agency and approved by the state board of education, must~~
3 ~~possess a valid license for the types of programs offered.~~

4 The executive director licensing administrator of the board
5 may grant or deny license applications, applications for
6 renewal of a license, and suspension suspend or revocation of
7 revoke a license. A denial of an application for a license,
8 the denial of an application for renewal, or a suspension or
9 revocation of a license may be appealed by the practitioner to
10 the board.

11 The board may issue emergency renewal or temporary,
12 limited-purpose licenses upon petition by a current or
13 former practitioner. An emergency renewal or a temporary,
14 limited-purpose license may be issued for a period not
15 to exceed two years, if a petitioner demonstrates, to
16 the satisfaction of the board, good cause for failure to
17 comply with board requirements for a regular license and
18 provides evidence that the petitioner will comply with board
19 requirements within the period of the emergency or temporary
20 license. Under exceptional circumstances, an emergency
21 license may be renewed by the board for one additional year. A
22 previously unlicensed person is not eligible for an emergency
23 or temporary license, except that a student who is enrolled in
24 a licensed practitioner preparation program may be issued a
25 temporary, limited-purpose license, without payment of a fee,
26 as part of a practicum or internship program.

27 Sec. 21. Section 272.10, Code 2011, is amended to read as
28 follows:

29 **272.10 Fees — budget.**

30 1. It is the intent of the general assembly that licensing
31 fees established by the board of educational examiners
32 department under chapter 256, subchapter V, be sufficient to
33 finance the activities of the board under this chapter.

34 2. ~~Licensing fees are payable to the treasurer of state and~~
35 ~~shall be deposited with the executive director of the board.~~

~~1 The executive director shall deposit twenty-five percent of
2 the fees collected annually with the treasurer of state and
3 the fees shall be credited to the general fund of the state.
4 The remaining licensing fees collected during the fiscal year
5 shall be retained by and are appropriated to the board for
6 the purposes related to the board's duties. Notwithstanding
7 section 8.33, licensing fees retained by and appropriated to
8 the board pursuant to this section that remain unencumbered or
9 unobligated at the close of the fiscal year shall not revert
10 but shall remain available for expenditure for the activities
11 of the board as provided in this chapter until the close of the
12 succeeding fiscal year.~~

13 3. ~~The executive director~~ licensing administrator shall,
14 in accordance with procedures established by the department,
15 annually develop a budget and transmit to the department
16 estimates of expenditure requirements for all functions of
17 the board. The total amount of such budget request shall not
18 exceed thirty-five percent of the licensing fees collected by
19 the department under chapter 256, subchapter V, in the previous
20 fiscal year. The licensing administrator shall keep an
21 accurate and detailed account of fees funds received, including
22 fees paid to the treasurer of state and fees retained by the
23 board from the department.

24 4. ~~3.~~ The board shall submit a detailed annual financial
25 report by January 1 to the chairpersons and ranking members
26 of the joint appropriations subcommittee on education and the
27 legislative services agency.

28 Sec. 22. Section 272.11, Code 2011, is amended to read as
29 follows:

30 **272.11 Expenditures and refunds.**

31 Expenditures and refunds made by the board under this
32 chapter shall be certified by the ~~executive director~~ licensing
33 administrator of the board to the director of the department
34 of administrative services, and if found correct, the director
35 of the department of administrative services shall approve the

1 expenditures and refunds and draw warrants upon the treasurer
2 of state from the funds appropriated for that purpose.

3 Sec. 23. Section 272.15, subsections 1 and 3, Code
4 Supplement 2011, are amended to read as follows:

5 1. a. The board of directors of a school district or area
6 education agency, the superintendent of a school district or
7 the chief administrator of an area education agency, and the
8 authorities in charge of a nonpublic school shall report to the
9 board the nonrenewal or termination, for reasons of alleged
10 or actual misconduct, of a person's contract executed under
11 sections ~~279.12~~, 279.13, 279.15 through 279.21, 279.23, and
12 279.24, and the resignation of a person who holds a current
13 Iowa license, certificate, or authorization ~~issued by the~~
14 ~~board~~ as a result of or following an incident or allegation of
15 misconduct that, if proven, would constitute a violation of the
16 rules adopted by the department to implement section 256.101,
17 subsection 13, paragraph "b", subparagraph (1), or by the board
18 to implement section 272.2, subsection 14 5, paragraph "b",
19 subparagraph (1), when the board or reporting official has a
20 good faith belief that the incident occurred or the allegation
21 is true. The board may ~~deny a license or~~ revoke the license
22 of an administrator if the board finds by a preponderance
23 of the evidence that the administrator failed to report the
24 termination or resignation of a school employee holding a
25 license, certificate, statement of professional recognition,
26 or coaching authorization, for reasons of alleged or actual
27 misconduct, as defined by this section.

28 b. Information reported to the board in accordance with this
29 section is privileged and confidential, and except as provided
30 in section 272.13, is not subject to discovery, subpoena, or
31 other means of legal compulsion for its release to a person
32 other than the respondent and the board and its employees and
33 agents involved in licensee discipline, and is not admissible
34 in evidence in a judicial or administrative proceeding other
35 than the proceeding involving licensee discipline. The board

1 shall review the information reported to determine whether a
2 complaint should be initiated. In making that determination,
3 the board shall consider the factors enumerated in section
4 272.2, subsection ~~14~~ 5, paragraph "a".

5 c. For purposes of this section, unless the context
6 otherwise requires, "misconduct" means an action disqualifying
7 an applicant for a license or causing the license of a person
8 to be revoked or suspended in accordance with the rules adopted
9 by the department to implement section 256.101, subsection 13,
10 paragraph "b", subparagraph (1), or by the board to implement
11 section 272.2, subsection ~~14~~ 5, paragraph "b", subparagraph
12 (1).

13 3. If the ~~executive director~~ licensing administrator
14 of the board verifies through a review of official records
15 that a teacher who holds a practitioner's license under ~~this~~
16 chapter 256 is assigned instructional duties for which the
17 teacher does not hold the appropriate license or endorsement,
18 either by grade level or subject area, by a school district or
19 accredited nonpublic school, the ~~executive director~~ licensing
20 administrator may initiate a complaint against the teacher and
21 the administrator responsible for the inappropriate assignment
22 of instructional duties.

23 Sec. 24. Section 272.29, Code 2011, is amended to read as
24 follows:

25 **272.29 Annual administrative rules review.**

26 The ~~executive director~~ licensing administrator shall
27 annually review the administrative rules adopted pursuant to
28 this chapter and related state laws. The ~~executive director~~
29 licensing administrator shall submit the ~~executive director's~~
30 licensing administrator's findings and recommendations in a
31 report every three years to the board and the chairpersons and
32 ranking members of the senate and house standing committees
33 on education and the joint appropriations subcommittee on
34 education by January 15.

35 Sec. 25. Section 279.43, Code 2011, is amended to read as

1 follows:

2 **279.43 Reporting inappropriate teaching assignments.**

3 An employee licensed by the board of educational examiners
4 and holding a contract as described in section 279.13 shall
5 disclose any occurrence of a teaching assignment for which
6 that employee is not properly licensed to the school official
7 responsible for determining teaching assignments. Failure
8 of the employee to disclose this occurrence or failure of
9 the school official responsible for determining teaching
10 assignments to make appropriate adjustments to the employee's
11 teaching assignment once the employee discloses the occurrence
12 shall constitute an incident of misconduct as provided in
13 section 272.2, subsection ~~14~~ 5, and is actionable by the board.
14 If the school official fails to make appropriate adjustments
15 to the teaching assignment once disclosure by the employee
16 is made, the employee shall report this occurrence to the
17 department or to the board for further action.

18 Sec. 26. REPEAL. Sections 272.9, 272.9A, 272.12, 272.20,
19 272.25, 272.27, 272.28, and 272.31, Code 2011, are repealed.

20 Sec. 27. REPEAL. Section 272.8, Code Supplement 2011, is
21 repealed.

22 Sec. 28. REPORT ON CHANGES IN LAW. By December 10, 2012,
23 the department of education and the board of educational
24 examiners shall jointly submit a report to the general assembly
25 recommending any transition provisions and any changes to the
26 Code, administrative rules, or other law that may be necessary
27 to fully implement this Act.

28 Sec. 29. EFFECTIVE DATE. Except for the section of this
29 Act requiring the department of education and the board
30 of educational examiners to submit a report to the general
31 assembly, this Act takes effect July 1, 2013.

32 EXPLANATION

33 This bill transfers the duties of the board of educational
34 examiners relating to licensure of teachers and administrators
35 to the department of education. Duties relating to the

1 discipline of teachers, including license suspension and
2 revocation and establishment of a professional code of conduct,
3 remain with the board. Transferred duties include the ability
4 to grant or deny teaching and administrator licenses; to
5 establish and collect applicable fees; to regulate standards
6 for para-educator certificates, practitioner preparation
7 programs, student teaching, mentoring, coaching, and school
8 business officials; and to promulgate and review administrative
9 rules relating to such duties. The bill provides that
10 the department is responsible for hiring and personnel
11 administration for the board. The bill directs the department
12 and the board to coordinate with one another to carry out their
13 respective duties.

14 The bill provides that 25 percent of the fees collected by
15 the department pursuant to the transferred duties is to be
16 deposited in the state treasury and credited to the general
17 fund of the state. The remaining 75 percent is appropriated
18 to the department for the purposes of carrying out the duties
19 transferred to the department and the duties retained by the
20 board. The department is directed to establish procedures for
21 the board to submit an annual budget request to the department
22 for the subsequent fiscal year. The board's budget request is
23 limited to 35 percent of the licensing fees collected by the
24 department pursuant to the bill in the previous fiscal year.
25 Under current law, the board deposits 25 percent of collected
26 fees in the state treasury, to be credited to the general fund
27 of the state, and retains the remaining 75 percent to finance
28 its duties.

29 The bill modifies training requirements for practitioner
30 preparation programs by increasing the required number of
31 hours of student field experience from 50 to 80, increasing
32 the required number of weeks of teaching experience during
33 a student's final year from 12 to 14, and requiring faculty
34 members in professional education to complete 60 hours of
35 instructional work within a seven-year period, in place of

1 the current requirement of 40 hours of team teaching within a
2 five-year period.

3 The bill increases the membership of the board of
4 educational examiners from 12 to 14. The two additional
5 members must be licensed practitioners. One must be selected
6 from a teacher preparation program. The other must be selected
7 from an administrator preparation program.

8 The bill directs the department and the board to jointly
9 submit a report to the general assembly by December 10, 2012,
10 recommending any transition provisions or changes to the Code
11 or other law that may be necessary to fully implement the bill.

12 Except for the provision requiring a report to the general
13 assembly, the bill takes effect July 1, 2013.

DRAFT